



## DEPARTMENT OF CORRECTIONS SOUTH DAKOTA CORRECTIONS COMMISSION

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Dear Governor, Chief Justice and 2010 Legislators:

The South Dakota Corrections Commission met four times during calendar year 2010, twice in Pierre, once in Sioux Falls and once in Custer. The meeting in Sioux Falls was held at the South Dakota State Penitentiary and the meeting in Custer was held at the State Treatment and Rehabilitation Academy (STAR). The commission's meetings focus on a variety of criminal justice issues, trends, initiatives, projects and programs within the Department of Corrections. This report is constructed in sections to highlight the subjects of commission review.

### **Adult Trends:**

The average daily count (ADC) of state inmates for fiscal year 2010 was 3,450, an increase of 63 from FY 2009. The increase of 63 inmates consisted of 53 males and ten females.

In FY 2010 the average end of month count for adults under parole supervision was 2,803 up from 2,729 in FY 2009, a difference of 74.

### **Juvenile Trends:**

In FY 2010 the average daily population of juveniles under DOC jurisdiction was 830, a decline of fifty-nine from FY 2009. This continues a trend where eight out of the last nine fiscal years the total number of juveniles under DOC jurisdiction has declined. Among the total 830 youth in FY 2010, 406 youth were on aftercare and 424 youth were in placement. The 406 youth on aftercare in FY 2010 was a decrease of 16 from the FY 2009 average daily population on aftercare of 422. During FY 2010, there were 424 youth in placement, a decrease of 43 from the 467 in placement in FY 2009.

### **2009 Legislative Bills:**

There were ten bills passed during the 2010 legislative session that impact the South Dakota Department of Corrections. These bills were briefed and discussed by the Corrections Commission.

**SB 7:**            **An Act to permit certain sex offenders who are homeless or on parole to reside in certain halfway homes or homeless shelters within community safety zones.**

This allows paroled sex offenders to reside in an assigned halfway house or living center within community safety zones.

**SB 10:**          **Act to reduce the grace period for certain sex offender registry registrations.**

This revised the period of time a convicted sex offender has to register from five days to three business days.

**SB 12: An Act to provide for a tiered sex offender registry and to establish certain criteria for eligibility to petition for removal or reassignment.**

This established a tiered sex offender registry. Each registered sex offender is considered to be on Tier 3 and required to register for their lifetime, unless they meet the requirements to petition the court to be removed or reduced to a lesser tier.

**SB 49: An Act to revise the General Appropriations Act for fiscal year 2010.**

This revised the 2009 state fiscal year budget to grant DOC expenditure authority on the Second Chance Act grants.

**SB 53: An Act to authorize the South Dakota Building Authority and the Department of Corrections to provide for the purchase, design, construction, and equipping of a combined minimum security/parole facility in Rapid City for the Department of Corrections and to declare an emergency.**

This appropriated \$1.8 million in general funds, \$825,000 in other funds and \$1.175 million in federal fund authority for a permanent minimum security unit and parole offices in Rapid City.

**SB 54: An Act to revise certain procedures for the commencement of civil actions by inmates.**

This requires a prisoner to exhaust all administrative remedies and grievance procedures before bringing any civil action.

**SB 55: An Act to revise certain provisions regarding parole eligibility.**

This revises current state law so that the Parole Board does not need to see an inmate for a discretionary parole hearing every two years following a revocation, if the inmate has a suspended sentence imposed and their initial parole date is more than two years away. The bill also requires the discretionary parole date to be calculated on the entire imposed term if a suspended sentence is revoked and the sentence is imposed.

**SB 65: An Act to revise the time frame for the design of a new motor license plate series and the issuance of a new motor license plate design series and to transfer funds from the license plate special revenue fund to the prison industries revolving fund.**

This delays a production run on new license plates for five years. The bill transfers \$1 million from the License Plate Special Revenue fund to the Pheasantland Industries Revolving fund.

**SB 110: An Act to provide for the posting of a bond by parolees under certain circumstances.**

This allows the Parole Board to require a bond be posted by a parolee to assure their appearance and compliance with conditions and restrictions of parole.

**HB 1073: An Act to clarify certain provisions relating to a court's continuing jurisdiction to revoke probation or a suspended execution of sentence.**

**This clarifies when the court retains jurisdiction over suspended execution of sentences.**

## **DOC Topics Reviewed with the Commission:**

### ***A. Tours of DOC Facilities/Programs:***

In an effort to familiarize the Corrections Commission with the juvenile programs and institutions operated within the DOC, one of the four meetings was scheduled to accommodate a tour of STAR. This provided the commission an opportunity to receive tours of both East and West Campus from youth placed in the programs.

### ***B. Adult Restitution Collection Process:***

Information was provided regarding the departments' efforts and successes in the collection of restitution from inmates and parolees. Inmates receive \$.25 per hour for their institutional support and community service work and the average parolee earns around \$10,000 annually. It is the department's practice to collect court ordered obligations prior to recouping costs of incarceration or costs incurred while in the Department of Corrections. The inmate banking system is designed to allow each inmate to spend up to \$140.00 per month for commissary items, following that any remaining funds the inmate earns from working or receives while in a facility is split between a savings account for release and any court ordered obligations.

### ***C. Adult Reentry Initiatives:***

During 2010, the Corrections Commission received information on the Adult Reentry Program. The department was awarded an Adult Second Chance Act Grant in the amount of \$750,000 from the United States Department of Justice, Bureau of Justice Assistance. The grant is for one year with the potential for two additional years and requires \$375,000 of both in-kind and cash match. Using the Adult Second Chance Act Grant as a resource, the departments' goal is to reduce recidivism by 50% within five years. The Adult Second Chance Act Grant focuses on parolees that are a high risk for reoffending who are being paroled to Minnehaha and Pennington Counties. Thinking for a Change, Job Search Assistance Programs, Credit where Credit is Due, Moral Recognition Therapy and Community Transition Programming are the courses being offered to offenders within the department's institutions. The department has established partnerships with community-based providers to provide drug and alcohol, mental health, housing assistance and additional community support systems for offenders upon release. Through the grant, there are two Local Reentry Coordinators, one with Volunteers of American in Sioux Falls and the other with the city of Rapid City, to provide staff support to local reentry task forces and assist parolees in accessing community-based services.

### ***D. Juvenile Reentry Initiatives:***

The commission received information regarding the Juvenile Second Chance Act Grant and the department's goal to reduce recidivism by 50% for juveniles placed in the department's care. The grant specifically targets youth transitioning to community via the West Farm, which is located near Sioux Falls and youth attending the Rushmore Academy while on aftercare in Rapid City. To reduce recidivism, the Juvenile Division is focusing on transitional education, supporting independent living, employment and pro-social skills for youth. Both West Farm and Rushmore Academy have transitional classrooms to assist the youth's academic reentry into the community and access to additional supports and services to increase the likelihood of their success on aftercare. The department has also developed community resource positions in both locations to assist youth with job placement, independent living preparation and access to community-based services

**E. Juvenile Assessments and Intake Process:**

During the spring meeting, the commission was provided information on primary duties of a Juvenile Corrections Agent (JCA). One of those duties is the intake and placement process of juveniles on their caseload. In identifying sexual offender risks, the department currently utilizes the Juvenile Sex Offender Assessment Protocol (JSOAP II), University of Rhode Island Change Assessment (URICA) and the Juvenile Sexual Offense Recidivism Risk Assessment Tool (JSORRAT II). The commission was provided with information on various other tools and evaluations used during intake to determine the most appropriate programs needed to assist the juvenile. Information was provided to the commission on the Medicaid program and the impacts it had with juveniles without the departments' supervision.

**F. Permanent Rapid City Minimum Unit:**

Throughout the year, the commission received updates on the status of the permanent Rapid City Minimum Unit. The project is broken down into two phases. Phase one of the project began on July 7<sup>th</sup> of this year, which is the remodeling of the office area to accommodate Rapid City parole staff currently located on Campbell Street. This phase will be completed through use of inmate labor and contracted trades and is expected to be completed by the end of January, with occupancy planned for February 1, 2011.

Phase two includes the renovation of the current building to include the construction of a second floor and construction of a new 9000 square feet building. The first floor of the renovated warehouse will accommodate space for programming, offices, visiting, dining, limited holding cells and medical. The second floor will accommodate inmate housing and bathroom/shower areas. The new construction will house laundry and kitchen preparation space. The estimated completion of this phase is December of 2011, with partial occupancy in January of 2012.

An energy efficient geothermal heating and cooling system is designed for the project. The department was awarded a \$400,000 American Recovery and Reinvestment Act (ARRA) Grant to pay for the testing and construction of the geothermal well field.

**Membership Changes:**

During this past year, there were no membership changes within Corrections Commission. In accordance with the Corrections Commission's by-laws, the election of officers was conducted during the 2010 spring meeting. Senator Bartling was elected for the second year as Chair and Senator Tieszen was elected for his second year as Vice Chair.

**Statistics:**

**A. Adult Inmates:**

The following charts provide a breakdown of adult inmate statistics for males and females for FYs 2009 and 2010.

	FY 2009		FY 2010	
	Male	Female	Male	Female
Average Daily Counts:	3,013	374	3066	384
<b>Admissions:</b>				
New Commitments:	1,114	256	1051	228
Parole and Suspended Sentence Violators:	655	125	700	120
<b>Releases:</b>				
Expiration of Sentence:	281	60	310	51
* To Parole/Suspended Sentence:	2,417	351	2205	377
* Inflated due to multiple releases to CTP				

Offender Classification:	FY 2009		FY 2010	
	Male	Female	Male	Female
Maximum and Specialized:	14%	12%	9%	11%
High Medium:	19%	6%	21%	8%
Low Medium:	39%	31%	46%	43%
Minimum and Community Transition:	28%	51%	24%	38%

*As of (6/30/10)*

**B. Juvenile Offenders:**

The following chart provides a breakdown of juvenile offender statistics for males and females for FY 2009 and 2010. The figures reflect an overall consistency across the various criteria for the past two fiscal years.

	FY - 2009	FY - 2010
New Commitments	359	350
Recommitments After DOC Discharge	21	27
Overall Caseload - ADP	889	830
Aftercare ADP	422	406
Aftercare Revocations	188	120
Aftercare Revocation Rate	17.9%	14.0%
Reason For Revocation:		
Technical	34.2%	24.6%
Chemical Dependency	37.6%	37.7%
Psychological	0%	2.6%
Felony	6%	3.5%
Misdemeanor	22.1%	31.6%
Average Agent Case Load	24.5	23.3
STAR Academy Programs – Total ADP	143.5	133.4
Brady Academy	45.4	46.3
Youth Challenge Center	43.1	42.9
Intake/Admissions	12.1	11.2
QUEST	21.3	16.0
EXCEL	21.6	17
Detention – ADP	10.5	13.3
Group/Residential – ADP	244.8	215.6
Foster Care	27.3	28.7
West Farm	24.3	21.4

The Corrections Commission held four meetings this calendar year and reviewed a wide array of information regarding programs, services, construction projects, legislative bills, contracts, grants and statistics pertaining to the South Dakota Department of Corrections. The commission is committed to working closely with the DOC in its continuation of high quality services provided to the citizens of South Dakota.

Respectfully,



Senator Julie Bartling, Chair  
SD Corrections Commission